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Application Number: 09/939,385

Filing Date 8/24/2001

Applicant SCOTT LEVINE MD

Application Title Ultra-High Fiber Supplement And Method Of Weight Reduction

Examiner TRAVISS C. MCINTOSH III

Mailed: April 16, 2003

At: Orlando Florida

Commissioner for Patents

Washington, DC 20231

Rule 132 Declaration

**RULE 132 DECLARATION REGARDING THE COMMERCIAL
SUCCESS AND HEALTH BENEFITS OF INVENTION
APPLICATION 09/0939,385**

Scott Levine MD declares as follows:

1. I, Scott Levine am the applicant in patent application 09/0939,385.
2. I am a board certified internal medicine doctor with a solo medical practice in Orlando, Florida since 1989.
3. I am lipid expert who teaches other doctors advanced lipid evaluation and management and serve as a national speaker on advanced lipid therapy.
4. I began selling this invention in November 2001 through my office and a website.

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5. Without any formal advertising, I sold more than \$50,000 dollars worth of this invention in the one year period from November 2001-2002.
6. The great majority of sales of this invention were the result of word of mouth advertising by users of this invention who successfully lost weight, improved their lipids, or both. During this period, no incentive was given to recommend the invention to others. The users of this invention were simply pleased with the results they obtained and were happy to share the "secret" of their success with family and friends.
7. One element of the success in selling over \$50,000 worth of the invention is the fact that users rebuy this invention because it is working for them. Frequently veteran users will purchase multiple canisters at one time.
8. The success of this invention is directly tied to the health benefits that result from taking the product.
9. I have documented successful weight loss in numerous users of this invention.
10. I have received numerous phone calls and emails from users praising the invention and their individual successes with weight loss, lipid management , or both.
11. I have documented cases whereby individuals have lost more than 50 lbs on this invention.
12. I have documented cases whereby individuals have told me that this is the ONLY weight loss product that has ever worked for them.
13. I have documented cases whereby individuals have praised how easy it is to lose weight on this invention.
14. I have received no complaints regarding any health issues from taking this invention even at up to 6 scoops per day (6 scoops delivering 51 grams of fiber).
15. I have never had to supplement or replace nutrients or minerals in anyone using my invention.
16. I have documented cases whereby individuals have lost significant weight **without avoiding any foods or exercising**.
17. I have documented users of this invention who have continued to lose weight months to years without regaining weight.
18. I have documented individuals praising the increased energy they have on this product.

19. I have documented blood pressure improvement with this invention. Some individuals have even eliminated their need for medication.
20. I have documented improved cholesterol and lipoproteins in users of my invention.
21. I have documented improved HDL cholesterol in users of my invention.
22. I have documented users of this invention that have improved their LDL cholesterol.
23. I have documented improved triglycerides in users of my invention.
24. I have documented cases whereby users of this invention have eliminated the need for cholesterol medication.
25. I have documented cases where users of this invention have been able to reduce the cholesterol medications they are taking.
26. I have documented users of this invention that have reduced cardiac inflammation and reduced cardiovascular risk by lowering their high sensitivity C-reactive protein levels.
27. I have had numerous individuals consume 2 scoops (17 grams of fiber) of the invention prior to a meal promoting strong satiety without side effects.
28. I have had numerous users' state that the invention produces long-lasting satiety that can last for more than 4-6 hours after consuming it.
29. I have documented individuals consuming this invention decreased insulin resistance, improved glucose intolerance, and even diabetes. Some diabetics have even been able to reduce their diabetic medications.
30. I have documented users of this invention have improved or reversed the metabolic syndrome.
31. I have documented users of this invention have improved or reversed the symptoms of irritable bowel.
32. I have documented users of this invention have improved or reversed constipation.
33. I have documented users of this invention have improved or reversed hemorrhoids.
34. Due to the success of this invention I have added two additional flavors bringing the number of flavor choices to 5.
35. I have had numerous people approach me looking to sell this invention on a commission basis, partner, or offer to work with me to sell the product.

36. The novel physical structure allows more than 7 grams of fiber to be delivered in an easy to tolerate fashion, one or more times daily.
37. The novel physical structure allows for invention to be made into a beverage that does not immediately gel, despite containing at least 7 grams of fiber.
38. The novel physical structure allows for the invention to be made into a ZERO calorie beverage, that does immediately gel.
39. **The novel physical structure is the reason for the success of this invention.**

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

Very Respectfully,


Scott Levine MD

Enc: **Exhibits to substantiate above declarations**

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Certificate of Mailing

I hereby certify that this correspondence, and attachments will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to Commissioner of Patents, Washington DC 20231 on the date below.

Date: April 16, 2003

Inventor's Signature

